



## Article 2. Specific Procedures Applicable to RCRA Permits.

### §66271.31. Pre-application Public Meeting and Notice.

(a) Applicability. The requirements of this section shall apply to all RCRA part B applications seeking initial RCRA permits for hazardous waste management units. The requirements of this section shall also apply to RCRA part B applications seeking renewal of permits for such units, where the renewal application is proposing a significant change in facility operations. For the purposes of this section, a "significant change" is any change that would qualify as a class 3 permit modification under 40 CFR, section 270.42. The requirements of this section do not apply to permit modifications under section 66270.42 or to applications when either are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

(b) Prior to the submission of a part B RCRA permit application for a facility, the applicant must hold at least one meeting with the public in order to solicit questions from the community and inform the community of proposed hazardous waste management activities. The applicant shall post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.

(c) The applicant shall submit a summary of the meeting, along with the list of attendees and their addresses developed under subsection (b) of this section, and copies of any written comments or materials submitted at the meeting, to the Department as a part of the part B application, in accordance with section 66270.14(b).

(d) The applicant must provide public notice of the pre-application meeting at least 30 days prior to the meeting. The applicant must maintain, and provide to the Department upon request, documentation of the notice.

(1) The applicant shall provide public notice in all of the following forms:

(A) A newspaper advertisement. The applicant shall publish a notice, fulfilling the requirements in subsection (d)(2) of this section, in a newspaper of general circulation in the county or equivalent jurisdiction that hosts the proposed location of the facility. In addition, the Director shall instruct the applicant to publish the notice in newspapers of general circulation in adjacent counties or equivalent jurisdictions, where the Director determines that such publication is necessary to inform the affected public. The notice must be published as a display advertisement.

(B) A visible and accessible sign. The applicant shall post a notice on a clearly marked sign at or near the facility, fulfilling the requirements in subsection (d)(2) of this section. If the applicant places the sign on the facility property, then the sign must be large enough to be readable from the nearest point where the public would pass by the site.

(C) A broadcast media announcement. The applicant shall broadcast a notice, fulfilling the requirements in subsection (d)(2) of this section, at least once on at least one local radio station or television station. The applicant may employ another medium with prior approval of the Director.

(D) A notice to the Department. The applicant shall send a copy of the newspaper notice to the permitting agency and to the appropriate units of State and local government, in accordance with section 66271.9(c)(1)(E).

(2) The notices required under subsection (d)(1) of this section must include:

(A) The date, time, and location of the meeting;

(B) A brief description of the purpose of the meeting;

(C) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;

(D) A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and

(E) The name, address, and telephone number of a contact person for the applicant.

NOTE: Authority cited: Sections 25150, 25159, 58004 and 58012, Health and Safety Code. Reference: Sections 25159.5, 25186, 25186.1, 25186.2 and 25200, Health and Safety Code; 40 CFR Section 124.31.

#### HISTORY

1. Change without regulatory effect adding new article 2 (sections 66271.31-66271.33) and new section filed 12-19-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 51).

2. Change without regulatory effect amending subsections (a), (c) and (d)(1)(A)-(d)(2) filed 6-18-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 25).

### §66271.32. Public Notice Requirements at the Application Stage.

(a) Applicability. The requirements of this section shall apply to all RCRA part B applications seeking initial RCRA permits for hazardous waste management units. The requirements of this section shall also apply to RCRA part B applications seeking renewal of permits for such units under section 66270.51. The requirements of this section do not apply to permit modifications under section 66270.42 or permit applications submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

(b) Notification at application submittal.

(1) The Director shall provide public notice as set forth in section 66271.9(c)(1)(D), and notice to appropriate units of State and Local government as set forth in section 66271.9(c)(1)(E), that a part B permit application has been submitted to the Department and is available for review.

(2) The notice shall be published within a reasonable period of time after the application is received by the Director. The notice must include:

(A) The name and telephone number of the applicant's contact person;

(B) The name and telephone number of the Department's office charged with issuance of the permit, and a mailing address to which information, opinions, and inquiries may be directed throughout the permit review process;

- (C) An address to which people can write in order to be put on the facility mailing list;
  - (D) The location where copies of the permit application and any supporting documents can be viewed and copied;
  - (E) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location on the front page of the notice; and
  - (F) The date that the application was submitted.
- (c) Concurrent with the notice required under section 66271.32(b) of this article, the Director shall place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at the Department office charged with the issuance of the permit.

NOTE: Authority cited: Sections 25150, 25159, 58004 and 58012, Health and Safety Code. Reference: Sections 25159.5, 25186, 25186.1, 25186.2 and 25200, Health and Safety Code; 40 CFR Section 124.32.

#### HISTORY

1. Change without regulatory effect adding new section filed 12-19-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 51).
2. Change without regulatory effect amending subsection (d)(2)(B) filed 6-18-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 25).

#### **§66271.33. Information Repository.**

(a) Applicability. The requirements of this section apply to all applications seeking RCRA permits for hazardous waste management units.

(b) For facilities applying for or operating under RCRA permits, the Director may assess the need, on a case-by-case basis, for an information repository. When assessing the need for an information repository, the Director shall consider a variety of factors, including: the level of public interest; the type of facility; the presence of an existing repository; and the proximity to the nearest copy of the administrative record. If the Director determines, at any time after submittal of a permit application, that there is a need for a repository, then the Director shall notify the facility that it must establish and maintain an information repository. (See section 66270.30(m) for similar provisions relating to the information repository during the life of a permit).

(c) The information repository shall contain all documents, reports, data, and information deemed necessary by the Director to fulfill the purposes for which the repository is established. The Director shall have the discretion to limit the contents of the repository.

(d) The information repository shall be located and maintained at a site chosen by the facility. If the Director finds the site unsuitable for the purposes and persons for which it was established, due to problems with the location, hours of availability, access, or other relevant considerations, then the Director shall specify a more appropriate site.

(e) The Director shall specify requirements for informing the public about the information repository. At a minimum, the Director shall require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.

(f) The facility owner/operator shall be responsible for maintaining and updating the repository with appropriate information throughout a time period specified by the Director. The Director may close the repository at his or her discretion, based on the factors in subsection (b) of this section.

NOTE: Authority cited: Sections 25150, 25159, 58004 and 58012, Health and Safety Code. Reference: Sections 25159.5, 25186, 25186.1, 25186.2 and 25200, Health and Safety Code; 40 CFR Section 124.33.

#### HISTORY

1. Change without regulatory effect adding new section filed 12-19-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 51).
2. Change without regulatory effect amending subsection (f) filed 6-18-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 25).
3. Change without regulatory effect amending subsection (f) filed 1—13—2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 2).